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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 PER-05 L-03 A-01 ABF-01 FSE-00
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P 122232Z MAY 78
FM USMISSION USNATO
TO SECSTATE WASHDC PRIORITY 1538
SECDEF WASHDC PRIORITY

UNCLAS SECTION 01 OF 05 USNATO 04789

STATE FOR EUR/RPM, DG, L/M AND LEG/CLS; DEF FOR GENERAL
COUNSEL, LEGISLATIVE AFFAIRS, AND DIR, PERS & SECURITY,WHS

E.O. 11652: NA
TAGS: AORG, NATO
SUBJ: NATO DIRECT HIRE OF U.S. CITIZENS

REF: A. 76 STATE 274828; B. 77 USNATO A-175
1. QUOTED BELOW IS LETTER DATED MAY 10, 1978, ADDRESSED
TO USNATO BY THE NATO DIRECTOR OF ADMINISTRATION AND
PERSONNEL:

"I WISH TO INFORM YOU THAT THE PROBLEM OF "DIRECT HIRE"
OF US NATIONALS WHICH WAS REACTIVATED BY YOUR LETTER OF
4TH APRIL 1977, WAS DISCUSSED AT SOME LENGTH ON THE
OCCASION OF THE MEETING OF THE ADVISORY PANEL ON ADMINISTRA
-TION, WHICH WAS HELD ON 25TH AND 26TH APRIL 1978.
THIS DISCUSSION HAD BEEN PROMPTED BY A RECENT DECISION
OF THE NATO APPEALS BOARD WHICH REQUIRED A REAPPRAISAL
OF THE PROCEDURES TO BE FOLLOWED.

"AFTER AN EXCHANGE OF VIEWS IT WAS DECIDED THAT ALL NATO
BODIES AND AGENCIES WOULD HENCEFORTH REFRAIN FROM
DIRECTLY HIRING US NATIONALS AT ANY GRADE REGARDLESS OF
THE $L5,000 LIMIT REFERRED TO IN YOUR LETTER OF 4TH APRIL,
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1977 AND OF THE AUTHORIZATION TO RECRUIT UP TO THE B.3
LEVEL PENDING FURTHER CLARIFICATION AND GUIDANCE FROM THE
U.S. AUTHORITIES.

"I WOULD APPRECIATE RECEIVING ANY COMMENTS YOU MAY HAVE
ON THE ABOVE."
2. NATO APPEALS BOARD DECISION NO. 91(A),

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(GRAMEF (78) 1737) TO WHICH NATO DIR, ADMIN AND
PERSONNEL REFERS, IS QUOTED BELOW:

BEGIN TEXT

CONSIDERING THE APPEAL LODGED ON 10TH OCTOBER, 1977
BY MR. ROBERT ATMA, A GRADE B4 MEMBER OF THE CIVILIAN
STAFF OF SUPREME HEADQUARTERS ALLIED POWERS EUROPE
(SHAPE), SEEKING:

1) THE ANNULMENT OF THE DECISION WHEREBY THE SUPREME
COMMANDER ALLIED FORCES EUROPE (SACEUR), ON 2ND
SEPTEMBER, 1977, TURNED DOWN HIS APPLICATION FOR A
GRADE A2 POST OF "ASSISTANT CONTRACTING OFFICER" IN
THE SHAPE COMMUNICATIONS AND ELECTRONICS DIVISION;

2) AS THE MAIN RELIEF, HIS APPOINTMENT TO THAT POST
WITH EFFECT FROM 2ND AUGUST, 1977;

3) AS SUBSIDIARY RELIEF, THE PAYMENT OF AN INDEMNITY
FOR THE INJURY SUFFERED;

CONSIDERING THE DEFENCE FILED ON 29TH NOVEMBER, 1977
BY THE SUPREME COMMANDER ALLIED FORCES EUROPE (SACEUR)
WHO CONTENDS THAT THE APPEAL IS "ADMINISTRATIVELY
WITHOUT MERIT";
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CONSIDERING THE REPLY ENTERED ON 5TH JANUARY, 1978 BY
MR. ROBERT ATMA, SEEKING THE SAME RELIEF AS IN HIS APPEAL;

CONSIDERING THE OTHER DOCUMENTS WHICH HAVE BEEN SUBMITTED
AND ATTACHED TO THE FILE;

AFTER HEARING SUBMISSIONS BY MR. ROBERT ATMA, THE
APPELLANT, ASSISTED BY MAITRE GEORGES VANDERSANDEN,
HIS COUNSEL, ON THE ONE HAND, AND BY MR. RAOUL A.E. BUYLE,
LEGAL ADVISER TO SHAPE, AND MR. H.P. KOENNECKE, CHIEF OF
SHAPE CIVILIAN STAFF ON THE OTHER HAND AS WELL AS BY
MR. J. VILLALOBOS, INTERNATIONAL STAFF DIRECTOR OF
ADMINISTRATION AND PERSONNEL, AND MR. ETIENNE LEJEUNE,
LEGAL ADVISER TO NATO;
WHEREAS, IN ACCORDANCE WITH THE TERMS OF PARAGRAPH 2
OF ARTICLE VII OF THE PROTOCOL ON THE STATUS OF
INTERNATIONAL MILITARY HEADQUARTERS, SIGNED IN PARIS
ON 28TH AUGUST, 1952, "EMPLOYEES OF AN ALLIED
HEADQUARTERS OF CATEGORIES AGREED BY THE NORTH ATLANTIC
COUNCIL SHALL BE EXEMPTED FROM TAXATION ON THE SALARIES
AND EMOLUMENTS PAID TO THEM BY THE ALLIED HEADQUARTERS

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IN THEIR CAPACITY AS SUCH EMPLOYEES"; WHEREAS, IN
ACCORDANCE WITH THE TERMS OF ARTICLE D(VIII) OF THE
PREAMBLE TO THE NATO CIVILIAN PERSONNEL REGULATIONS,
AS APPROVED BY THE COUNCIL, THESE PROVISIONS APPLY TO
ALL CIVILIAN INTERNATIONAL STAFF EMPLOYED BY THE MILITARY
HEADQUARTERS;

WHEREAS, NEVERTHELESS, PARAGRAPH 2 OF ARTICLE VII OF THE
PROTOCOL MAKES AN EXCEPTION TO THIS RULE BY SPECIFYING

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THAT: "ANY PARTY TO THE PRESENT PROTOCOL MAY HOWEVER
CONCLUDE AN ARRANGEMENT WITH THE ALLIED HEADQUARTERS
WHEREBY SUCH PARTY WILL EMPLOY AND ASSIGN TO THE
ALLIED HEADQUARTERS ALL OF ITS NATIONALS (EXCEPT,
IF SUCH PARTY SO DESIRES, ANY NOT ORDINARILY RESIDENT
WITHIN ITS TERRITORY) WHO ARE TO SERVE ON THE STAFF OF
THE ALLIED HEADQUARTERS AND PAY THE SALARIES AND
EMOLUMENTS OF SUCH PERSONS FROM ITS OWN FUNDS, AT A
SCALE FIXED BY IT. THE SALARIES AND EMOLUMENTS SO
PAID MAY BE TAXED BY THE PARTY CONCERNED, BUT SHALL
BE EXEMPTED FROM TAXATION BY ANY OTHER PARTY. IF SUCH
AN ARRANGEMENT, ENTERED INTO BY ANY PARTY TO THE
PRESENT PROTOCOL, IS SUBSEQUENTLY MODIFIED OR
TERMINATED, PARTIES TO THE PRESENT PROTOCOL SHALL NO
LONGER BE BOUND UNDER THE FIRST SENTENCE OF THIS
PARAGRAPH TO EXEMPT FROM TAXATION THE SALARIES AND
EMOLUMENTS PAID TO THEIR NATIONALS";

WHEREAS ON 25TH FEBRUARY, 1953 THE GOVERNMENT OF THE
UNITED STATES OF AMERICA CONCLUDED WITH THE NORTH ATLANTIC
COUNCIL, ACTING ON BEHALF OF THE HEADQUARTERS, THE
AGREEMENT PROVIDED FOR IN ARTICLE 7 OF THE PROTOCOL

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(ISM(53)9); WHEREAS IN ACCORDANCE WITH ARTICLE 1 OF
THAT AGREEMENT, "WHENEVER ANY INTERNATIONAL MILITARY
ORGANIZATION DESIRES THE SERVICES OF A UNITED STATES
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NATIONAL IT WILL NOTIFY THE UNITED STATES OF: (A) THE
NATURE OF THE POSITION TO BE FILLED, (B) THE QUALIFICA-
TIONS WHICH AN INDIVIDUAL MUST POSSESS TO FILL THE
POSITION, AND (C) THE SALARY WHICH SUCH INDIVIDUALS
WOULD RECEIVE IF EMPLOYED BY THE HEADQUARTERS. THE
HEADQUARTERS MAY NOTIFY THE GOVERNMENT OF THE UNITED
STATES OF THE NAME(S) OF ANY INDIVIDUAL(S) IT DEEMS
ACCEPTABLE FOR THE POSITION"; WHEREAS UNDER THE TERMS OF
ARTICLE 2, "THE GOVERNMENT OF THE UNITED STATES MAY
ASSIGN TO THE HEADQUARTERS A UNITED STATES NATIONAL
FROM ITS GOVERNMENT SERVICE WHO IS ACCEPTABLE TO THE
HEADQUARTERS"; WHEREAS ACCORDING TO ARTICLES 3 AND 4,
"THE GOVERNMENT OF THE UNITED STATES WILL PAY ANY AND ALL
SALARIES AND EMOLUMENTS OF UNITED STATES NATIONALS WHO
ARE EMPLOYED BY IT AND ASSIGNED TO THE HEADQUARTERS
CONCERNED FROM ITS OWN FUNDS AT RATES DETERMINED BY THE
GOVERNMENT OF THE UNITED STATES; WHEREAS INTERNATIONAL
MILITARY HEADQUARTERS WILL NOT PAY ANY SALARIES AND
EMOLUMENTS OF ANY CITIZEN OF THE UNITED STATES";
WHEREAS, THEREFORE, AND ACCORDING TO THIS AGREEMENT,
UNITED STATES NATIONALS EMPLOYED, INTER ALIA, BY SHAPE,
ARE NORMALLY EMPLOYEES OF THE UNITED STATES GOVERNMENT,
ARE PAID BY THE LATTER AND PLACED AT THE DISPOSAL OF
THE HEADQUARTERS; WHEREAS, HOWEVER, AND IN APPLICATION
OF ARTICLE A(III) OF THE PREAMBLE TO THE CIVILIAN
PERSONNEL REGULATIONS, THESE STAFF MEMBERS ARE COVERED
BY THE PROVISIONS OF THE REGULATIONS EXCEPT AS SPECIFIED
IN THE AGREEMENT OF 25TH FEBRUARY, 1953 AS ALREADY
RULED BY THE BOARD IN ITS DECISION NO. 38 DATED 23RD
FEBRUARY, 1972;

WHEREAS THE IMPLEMENTATION OF THE SYSTEM OF HIRING
UNITED STATES NATIONALS "IN SUCH A WAY AS TO ALLOW THE
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DIRECT RECRUITMENT BY THE ORGANIZATION OF THOSE
NATIONALS WHO ARE NOT ORDINARILY RESIDENT IN THE USA"
WAS DISCUSSED IN AN EXCHANGE OF LETTERS BETWEEN THE
INTERNATIONAL STAFF DIRECTOR OF ADMINISTRATION AND
PERSONNEL AND THE DIRECTOR, ADMINISTRATION, PERSONNEL
AND SECURITY OF THE UNITED STATES DELEGATION TO NATO

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DATED 13TH AND 14TH APRIL, 1972; WHEREAS IN HIS LETTER
DATED 13TH APRIL, THE INTERNATIONAL STAFF DIRECTOR OF
ADMINISTRATION AND PERSONNEL EXPLAINED, INTER ALIA,
THAT UNDER EXISTING AGREEMENTS, "WHEN ONE OF THE
NATO ORGANIZATIONS WISHES TO EMPLOY A US CITIZEN IT MAY
DO SO AND PAY HIS OR HER SALARIES AND EMOLUMENTS DIRECTLY,
PROVIDED THAT THE US CITIZEN IN QUESTION HAS BEEN
PRESENT FOR AT LEAST 510 FULL DAYS WITHIN THE 18
PRECEDING CONSECUTIVE MONTHS IN A COUNTRY OR COUNTRIES
OTHER THAN THE UNITED STATES. THE SALARIES AND EMOLUMENTS
THUS PAID WILL BE EXEMPT FROM TAXATION...FROM OUR DIS-
CUSSIONS, I UNDERSTAND THAT THE DIRECT HIRE PROCEDURES
WILL ONLY APPLY TO POSITIONS IN GRADES A3 AND L3 AND
BELOW, AND ONLY FOR THOSE POSITIONS WITH A SALARY OF
$20,000 OR LESS PER ANNUM. IT IS FURTHER UNDERSTOOD THAT
THE NEW PROCEDURES WOULD NOT PREVENT THE UNITED STATES
GOVERNMENT FROM CONTINUING IN APPROPRIATE CASES TO ASSIGN
US NATIONALS TO POSITIONS WITH NATO ORGANIZATIONS IN ALL
GRADES, INCLUDING GRADES A3 AND L3 AND BELOW UNDER
EXISTING AGREEMENTS. THIS UNDERSTANDING MAY BE MODIFIED
BY SUBSEQUENT INFORMAL AGREEMENT SHOULD IT APPEAR
ADVANTAGEOUS TO DO SO"; WHEREAS ON 14TH APRIL, 1972,
THE UNITED STATES DELEGATION CONFIRMED ITS
AGREEMENT TO THIS PROPOSAL; WHEREAS THE INTENTION
BEHIND THIS EXCHANGE OF LETTERS WAS, IN FACT, AND

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SECDEF WASHDC PRIORITY

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NOTWITHSTANDING THE AGREEMENT OF 25TH FEBRUARY, 1953,
TO AUTHORIZE DIRECT R-CRUITMENT BY ALL NATO BODIES AND,
IN PARTICULAR MILITARY HEADQUARTERS OF UNITED STATES
NATIONALS NOT ORDINARILY RESIDENT IN THE UNITED STATES
FOR POSTS IN GRADES A3, L3 AND BELOW; WHEREAS PERSONNEL
THUS RECRUITED WERE OFFERED CONTRACTS IDENTICAL WITH THOSE

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SIGNED BY NATO PERSONNEL WHO WERE NATIONALS OF OTHER COUNTRIES; WHEREAS THE POSITION OF THOSE CONCERNED WAS THEREFORE ENTIRELY GOVERNED BY THE NATO CIVILIAN PERSONNEL REGULATIONS;

WHEREAS THE DIRECTOR, ADMINISTRATION, PERSONNEL AND SECURITY OF THE UNITED STATES DELEGATION TO NATO INFORMED THE NATO INTERNATIONAL STAFF DIRECTOR OF ADMINISTRATION AND PERSONNEL ON 10TH NOVEMBER, 1976 THAT "MY AUTHORITIES ASK THAT YOU BE ADVISED HEREWITH THAT, EFFECTIVE IMMEDIATELY, THE US-NATO AGREEMENT ON DIRECT HIRE APPLIES ONLY TO THOSE US CITIZENS WHOSE NATO POSITION SALARIES DO NOT EXCEED $15,000 AT THE TIME THE INDIVIDUALS ARE HIRED AND, IN FUTURE, THE EFFECT OF SALARY INCREASES BEING CONSIDERED, WHOSE TOTAL SALARIES WILL NOT EXCEED THIS $15,000 LIMIT"; WHEREAS, IN A SECOND LETTER, DATED 4TH APRIL, 1977, THE AFOREMENTIONED DELEGATION ALSO INFORMED THE INTERNATIONAL STAFF THAT THE DIRECT RECRUITMENT OF UNITED STATES NATIONALS TO POSTS IN UNCLASSIFIED

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A AND B5 GRADES MUST CEASE; WHEREAS ON 25TH MAY, 1977, THE INTERNATIONAL STAFF DIRECTOR OF ADMINISTRATION AND PERSONNEL INFORMED SHAPE, INTER ALIA, THAT "PENDING THE OUTCOME OF A FINAL AGREEMENT I WOULD ADVISE THAT NO US CITIZENS BE RECRUITED FOR, NOR RE-ASSIGNED TO, ANY A GRADE OR B5 GRADE POSITION UNDER THE PRESENT US DIRECT HIRE SYSTEM";
WHEREAS MR. ATMA IS A UNITED STATES NATIONAL; WHEREAS HE WAS NOT ORDINARILY RESIDENT IN THAT COUNTRY IN 1974; WHEREAS AT THAT TIME HE WAS RECRUITED DIRECTLY BY SHAPE TO FILL A GRADE B4 ASSISTANT (FINANCE) POST UNDER THE CONDITIONS PROVIDED FOR IN THE EXCHANGE OF LETTERS DATED 13TH AND 14TH APRIL, 1972; WHEREAS HE HOLDS A CONTRACT OF INDEFINITE DURATION DATED 27TH NOVEMBER, 1974;

WHEREAS ON 20TH JUNE, 1977, THE APPELLANT APPLIED FOR A GRADE A2 POST OF "A-SISTANT CONTRACTING OFFICER" IN THE SHAPE COMMUNICATIONS AND ELECTRONICS DIVISION; WHEREAS ON 14TH JULY, 1977, THE SELECTION BOARD RECOMMENDED HIS APPOINTMENT TO THAT POST; WHEREAS ON 28TH JULY, THE ACTING DEPUTY CHIEF OF STAFF (PERSONNEL AND ADMINISTRATION) INFORMED HIM THAT "IN ACCORDANCE WITH RECENTLY REVISED US/NATO ARRANGEMENTS ON THE DIRECT HIRE OF US NATIONALS", HE COULD NO LONGER BE CONSIDERED FOR THIS POST SINCE THE SALARY WAS IN EXCESS OF $15,000; WHEREAS WHEN MR. ATMA MADE REPRESENTATIONS, HE WAS FURTHER INFORMED, ON 2ND AUGUST, 1977, THAT "ON THE BASIS OF THE REPORT OF THE SELECTION BOARD, IT APPEARS MOST PROBABLE THAT BUT FOR THESE ARRANGEMENTS

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YOU WOULD HAVE BEEN SELECTED TO FILL THE POST"; WHEREAS
THEREFORE THE REFUSAL TO NOMINATE THE APPELLANT WAS DUE
SOLELY TO THE POSITION ADOPTED BY THE UNITED STATES
DELEGATION IN ITS LETTERS DATED 10TH NOVEMBER, 1976
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AND 4TH APRIL, 1977 AS SPELLED OUT BY THE DIRECTOR OF
ADMINISTRATION AND PERSONNEL ON 25TH MAY, 1977;

WHEREAS MILITARY HEADQUARTERS MAY NOT, IN APPLICATION OF
THE AGREEMENT OF 25TH FEBRUARY, 1953 BETWEEN THE
UNITED STATES GOVERNMENT AND THE NORTH ATLANTIC COUNCIL,
ACTING ON BEHALF OF THOSE HEADQUARTERS, DIRECTLY RECRUIT
AND REMUNERATE UNITED STATES NATIONALS; WHEREAS THE
EXCHANGE OF LETTERS OF 13TH AND 14TH APRIL, 1972 BETWEEN
THE NATO INTERNATIONAL STAFF DIRECTOR OF ADMINISTRATION
AND PERSONNEL AND THE DIRECTOR, ADMINISTRATION, PERSON-
NEL AND SECURITY OF THE UNITED STATES DELEGATION WAS NOT
INTENDED TO ENLARGE ON THE METHOD OF APPLICATION OF THE
1953 AGREEMENT BUT TO MAKE AN EXCEPTION TO THAT AGREEMENT
BY AUTHORIZING DIRECT RECRUITMENT TO POSTS IN GRADES A3,
L3 AND BELOW OF UNITED STATES NATIONALS NOT ORDINARILY
RESIDENT IN THE UNITED STATES;
WHEREAS EVEN WHERE THESE PERSONS WERE CONCERNED, THIS
EXCHANGE OF LETTERS COULD NOT, WITHOUT THE AGREEMENT
OF THE COUNCIL, LEGALLY DEPART FROM THE AGREEMENT OF
25TH FEBRUARY, 1953 WHICH, THE COUNCIL, HAD APPROVED;
WHEREAS, THEREFORE, NATO COULD NOT AND CANNOT LEGALLY
RECRUIT AND PAY UNITED STATES NATIONALS DIRECTLY UNDER
THE CONDITIONS LAID DOWN IN THE 1972 EXCHANGE OF LETTERS
BUT NOT ALLOWED UNDER THE 1953 AGREEMENT; WHEREAS, THERE-
FORE, THE SUPREME COMMANDER ALLIED FORCES EUROPE COULD NOT
LEGALLY RECRUIT MR. ATMA DIRECTLY TO THE GRADE A2
ASSISTANT POST FOR WHICH HE HAD APPLIED; WHEREAS, THERE-
FORE, WITHOUT IT BEING NECESSARY TO EXAMINE THE
PLEADINGS OF THE APPEAL, THE BOARD HAS NO ATTENTIVE
BUT TO DISMISS THE ARGUMENTS ADDUCED BY MR. ATMA FOR THE

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ANNULMENT OF THE DECISION WHEREBY SACEUR REFUSED TO
APPOINT HIM TO THIS GRADE BY REASON OF THE DIRECT RECRUIT-
MENT PROCEDURE PROVIDED FOR IN THE 1972 EXCHANGE OF
LETTERS;

WHEREAS, HOWEVER, THE HEADQUARTERS WOULD HAVE WISHED TO
APPOINT MR. ATMA TO THE POST IN QUESTION; WHEREAS THE
ADMINISTRATION WRONGLY BELIEVED THAT HIS NOMINATION
TO THE POST WAS IMPOSSIBLE; WHEREAS IT SHOULD HAVE
CONSULTED MR. ATMA ABOUT THE POSSIBLE SUBMISSION OF
HIS APPLICATION TO THE UNITED STATES AUTHORITIES IN
COMPLIANCE WITH ARTICLE 1 OF THE 1953 AGREEMENT; WHEREAS,
THEREFORE, THE DECISION APPEALED AGAINST MUST BE
ANNULLED TO THE EXTENT THAT MR. ATMA WAS NOT SO
CONSULTED WITH A VIEW TO THE AFOREMENTIONED SUBMISSION
OF HIS APPLICATION; WHEREAS IT IS INCUMBENT ON SHAPE
TO FOLLOW THIS PROCEDURE;

WHEREAS THIS BEING SO, IT HAS NOT FOR THE PRESENT
BEEN ESTABLISHED THAT MR. ATMA HAS SUFFERED AN INJURY;
WHEREAS A RULING ON THE SUBMISSIONS CONCERNING
COMPENSATION MUST BE DEFERRED UNTIL SUCH A TIME AS THE
RESULTS OF THE APPLICATION OF THE AFOREMENTIONED PROCEDURE
ARE KNOWN;

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ON THE COSTS OF THE HEARING

WHEREAS UNDER THE TERMS OF ARTICLE 4.83 OF ANNEX IX
TO THE NATO CIVILIAN PERSONNEL REGULATIONS,"IN CASES
WHERE IT IS ADMITTED THAT THERE WERE GOOD GROUNDS FOR
THE APPEAL, THE BOARD SHALL ORDER THE NATO BODY TO
REIMBURSE WITHIN REASONABLE LIMITS, THE JUSTIFIED
EXPENSES INCURRED BY THE APPELLANT";
WHEREAS IN THE INSTANT CASE AND AT THE PRESENT
STAGE IN THE HEARING, THERE IS CAUSE TO REIMBURSE MR.
ATMA ANY JUSTIFIED TRAVEL EXPENSES HE MAY HAVE INCURRED
IN ORDER TO APPEAR BEFORE THE BOARD WITHIN THE LIMITS
OF THE TRAVEL EXPENSES ALLOWED FOR STAFF MEMBERS IN

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HIS GRADE;

DECIDES AS FOLLOWS:

ARTICLE 1 - THE DECISION BY THE SUPREME COMMANDER
- ALLIED FORCES EUROPE DATED 2ND
- SEPTEMBER, 1977 IS ANNULLED TO THE
- EXTENT THAT MR. ATMA'S APPLICATION FOR
- THE A2 POST OF ASSISTANT CONTRACTING
- OFFICER WAS TURNED DOWN WITHOUT
- CONSULTING HIM ABOUT THE POSSIBLE
- SUBMISSION OF HIS APPLICATION TO THE
- UNITED STATES AUTHORITIES IN COMPLIANCE
- WITH ARTICLE 1 OF THE AGREEMENT OF
- 25TH FEBRUARY, 1953.

ARTICLE 2 - THE OTHER SUBMISSIONS OF THE APPEAL,
- SEEKING THE ANNULMENT OF THE SAID
- DECISION, ARE HEREBY DISMISSED.

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ARTICLE 3 - A RULING ON THE SUBMISSIONS SEEKING THE
- PAYMENT OF AN INDEMNITY IS HEREBY
- DEFERRED.

ARTICLE 4 - SUPREME HEADQUARTERS ALLIED POWERS
- EUROPE (SHAPE) SHALL REIMBURSE ANY
- TRAVEL EXPENSES INCURRED BY MR. ATMA
- IN ORDER TO APPEAR BEFORE THE BOARD
- WITHIN THE LIMITS OF THE TRAVEL EXPENSES
- ALLOWED FOR STAFF MEMBERS IN HIS GRADE.

ARTICLE 5 - THE SECURITY DEPOSITED BY MR. ATMA
- SHALL BE REIMBURSED.

END TEXT.
3. MISSION COMMENT: UNDERSTANDING THE LEGAL EVALUATION BY THE APPEALS BOARD AND THE UNILATERAL DECISION TAKEN BY THE NATO ADMINISTRATION TO TERMINATE OUR AGREEMENT ON DIRECT HIRE, WE BELIEVE STATE AND DEFENSE LEGAL OFFICES MUST EVALUATE FURTHER ACTION IN THE LIGHT OF PROBABLE OVERSEAS TAX REVISION, AS WELL AS OUR COMMITMENT UNDER THE OTTAWA AGREEMENT. WE FURTHER BELIEVE THAT A STUDIED APPROACH LOOKING DOWN THE ROAD TOWARD THE NEED FOR INCREASED US PARTICIPATION IN OTHER THAN "POLICY POSITIONS" MUST BE CONSIDERED, PARTICULARLY IN THE LIGHT OF LONG-TERM IMPLEMENTATION OF PRESIDENTIAL INITIATIVES. IT MAY WELL BE APPROPRIATE FOR KEY CONGRESSIONAL STAFFS TO BE BRIEFED ON THE IMPACT OF US TAX LAW AS PERCEIVED BY THE

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DEPARTMENTS AS CONTRASTED BY THE VIEW TAKEN BY THE NATO
APPEALS BOARD.

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4. ACTION REQUESTED: APPROPRIATE GUIDANCE FOR INTERIM
ACKNOWLEDGMENT OF THE NATO ADMINISTRATION TERMINATION
ACTION. BENNETT

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Copy: SINGLE
Draft Date: 12 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780562/aaaacajq.tel
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6220969f-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 274828, 77 USNATO A-175
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2700581
Secure: OPEN
Status: NATIVE
Subject: NATO DIRECT HIRE OF U.S. CITIZENS
TAGS: AORG, NATO
To: STATE DOD
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/6220969f-c288-dd11-92da-001cc4696bcc
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